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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/703,962   | 10/31/2000  | Eric A. Pulsipher    | 10008103-1          | 3416             |
| 22879  | 7590        | 05/25/2005           | EXAMINER            |                  |
| HEWLETT PACKARD COMPANY<br>P O BOX 272400, 3404 E. HARMONY ROAD<br>INTELLECTUAL PROPERTY ADMINISTRATION<br>FORT COLLINS, CO 80527-2400 |             |                      | NGUYEN, PHUOC H     |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2143                |                  |

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/703,962

Applicant(s)

PULSIPHER ET AL.

Examiner

Phuoc H. Nguyen

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 November 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Request for Continued Examination***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.
2. Amendment received on November 19, 2004 has been entered into record.
3. Claims 21-40 remain pending.

### ***Response to Amendment***

4. This office action is in response to the applicants Amendment filed on November 19, 2004. Claims 21,22,25,28-33,36, and 38-40 have been amended. Claims 21-40 are presented for further consideration and examination.
5. Applicant's arguments with respect to claims 21-40 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 21-40 rejected under 35 U.S.C. 102(e) as being anticipated by Wood U.S. Patent 6,405,248.

8. Regarding claims 21 and 32, Wood reference discloses identifying a link directly coupling a host (e.g. node G) to a first port of a first connector (e.g. Switch A) (Figure 8, node G is connected to port 3 of the switch); identifying an intermediate connection which indirectly couples the host to an intermediate port of an intermediate connector (e.g. Switch C) (e.g. Figure 8, node G is indirectly couple to the switch C), wherein the intermediate connector is not aware of a connection to the first connector and the first connector is not aware of a connection to the intermediate connector (e.g. due to Switch C and Switch A are not directly connected they are connected through Switch B; therefore, Switch A and Switch C is not aware of connection between themselves (Figure 8); generating a new tuple identifying a relationship between the first connector and the intermediate connector based on the identified intermediate connection and the direct link, wherein the new tuple indicates that the first connector is directly coupled to

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the intermediate connector (e.g. identifying the link and node ports, and the ports and devices are logically grouped in order to provide an accurate topology, (Abstract; col. 10 lines 25-47).

9. Regarding claims 22 and 33, Wood reference discloses the host is a singly-heard-host which is the only host heard on the first port of the connector (Figure 8 discloses host G is connected to the 3<sup>rd</sup> port of switch A, which is the singly heard host).

10. Regarding claims 23 and 34, Wood reference discloses the singly-heard-host is at least one of a workstation, a personal computer, a terminal and a printer (col. 5 lines 30-31).

11. Regarding claims 24 and 35, Wood reference discloses the tuple and the new tuple contain data associated with a topology of the network (Abstract).

12. Regarding claims 25 and 36, Wood reference discloses determining that the first connector is directly coupled to the intermediate connector via a second port of the first connector (Figures 6a and 8; col. 11 lines 28-41).

13. Regarding claims 26 and 27, Wood reference discloses storing the new tuple in the intermediate connector and first connector (Abstract; col. 7, last paragraph; and col. 11 lines 28-54).

14. Regarding claims 28 and 38, Wood reference discloses determining whether the host is heard only by the first port of the first connector, and if the host is heard only by the first port of the first connector, classifying the new tuple as the singly-heard host link tuple (e.g. a node G is directly connected to the first port of switch A, which can be classified as the singly-hear host link tuple) (Figures 6A and 8).

15. Regarding claims 29 and 39, Wood reference discloses determining if another connector hears the host as a singly-heard host, and if another connector hears the host, classifying the new

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tuple as a singly-heard conflict link tuple, and resolving a conflict associated with the host between the first connector and the another connector (Figures 5 and 12; col. 9, lines 65 through col. 10, lines 19; and col. 17, lines 9-40).

16. Regarding claims 30,31, and 40, Wood reference discloses generating an extra host link tuple for the intermediate connector indirectly coupled to the host via the intermediate connection, examining the singly heard host link tuple and the extra host link tuple, and based on the examining if the first connector is determined to be connected to the host and the intermediate connector is determined to be connected to the host, generating a con-to-con link (e.g. direct connection between switch A port 3 to switch B port 1) tuple between the node and the intermediate connector (Figures 6A and 8; and col. 11 lines 25-55).

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H. Nguyen whose telephone number is 571-272-3919. The examiner can normally be reached on Monday - Friday.

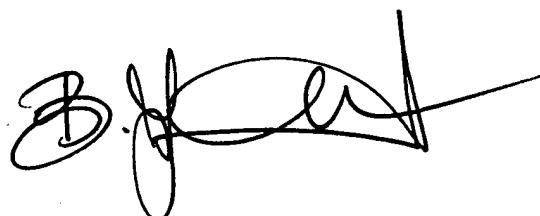
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuoc H Nguyen  
Examiner  
Art Unit 2143

May 20, 2005

A handwritten signature in black ink, appearing to read 'B. Jaroenchonwanit', with a long horizontal stroke extending to the right.

**BUNJOB JAROENCHONWANIT  
PRIMARY EXAMINER**